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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,698	06/19/2001	Kazuyoshi Hidaka	JP920000020US1	4043

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/884,698

**Applicant(s)**

HIDAKA ET AL.

**Examiner**

Yogesh C Garg

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/5/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's invention received on November 05, 2004 is acknowledged and entered. Amendment to the specification as stated in the amendment (see pages 2 and 3) is accepted. Applicant has canceled claims 1-21 and filed new claims 22-48. Currently claims 22-48 are pending for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to new claims 22-48 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (US Patent 6,658,390), hereinafter referred to Walker.

Regarding claim 22, Walker discloses a product sales method implemented on a product management system connected to access a product database and a purchaser database and communicating with one or more terminals (see at least abstract, Figs. 1, and 2), the method comprising the steps of:

accepting by the product sales system from one of said one or more terminals a purchase request for a product, said purchase request including information provided by a purchase applicant of conditions for redemption of a requested product, transmitting by the product sales system the purchase request to the product management system; based on a received purchase request, accessing the product database and examining by the product management system available products to determine whether a product is available to meet requirements of the purchase request; when a product is available to meet requirements of the purchase request, issuing by the product management system the product in accordance with the purchase request of the purchase applicant; and after issuing the product, updating the product database and the purchaser database by the product management system, the purchaser database including a redemption permitting purchaser list and conditions of redemption (see at least col. 2, line 59-col. 6, line 37).

The seller device 100 in Fig. 1 corresponds to the product sales system, buyer devices 200 correspond to the terminals from which purchase requests are made and the processing module 110 with a CPU 120 corresponds to the product management system. Walker teaches selling a product to an original purchaser including "buyout provision" and this step corresponds to inherently receiving a purchase request with

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redemption conditions, that is "buy out" conditions which have to be acceptable to the buyer [see col.3, lines 37-42]. The processing module 110 with CPU 120 determines from an inventory database "500" [corresponds to the product database], see Fig.2 and col.4, lines 9-41, determine whether a product is available to meet requirements of the purchase request; when a product is available to meet requirements of the purchase request and then issues the product to the purchase applicant. );

when a product is not available to meet requirements of the purchase request, accessing and searching by the product management system the purchaser database to determine whether purchasers of like products are included in the redemption permitting purchaser when a purchaser who obtained a product that meets the requirements of the purchase request is found on the redemption permitting purchaser list, examining by the product management system the conditions of redemption to determine whether a replacement product that satisfies the redemption conditions can be provided for the purchaser who agreed to permit product redemption; when a replacement product that satisfies the redemption conditions is found, redeeming by the product management system the product from a purchaser who agreed to permit product redemption and providing the purchaser a replacement product and, thereafter, issuing the redeemed product to the purchase applicant; and when the redeemed product is issued to the purchase applicant, updating the product database and the purchaser database by the product management system (see at least col.7, lines 1-67 which teaches that if no comparable seat is available as per the purchase applicant's request a determination is made if that seat is similar to the

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original purchaser's product and also if an alternative is available for the original purchaser then as per the buyout offer [redemption conditions], substitute product is issued to the original purchaser and the product and purchaser databases are updated. See also col.2, line 59-col.6, line 67.

Regarding claim 23, the limitations recite a result which happens if certain conditions exist, that is if none of the purchasers who purchased products are on the redemption permitting purchaser list, or when a replacement product that satisfies the redemption conditions is not available, further comprising the step of notifying the purchase applicant by the product management system that the products are sold out. Walker does suggest this limitation, see at least col.7, lines 1-67. Walker teaches that in response to a request from a subsequent purchaser if triggering condition is not satisfied at step 802, the process ends at step 804 which means that if any of the conditions, such as a suitable alternative is not available for the original purchaser or if the original purchaser declines the buyout offer [redemption conditions], which amounts to non-availability of a product from an original purchaser who has agreed to redemption conditions, the subsequent purchaser is not provided the product as requested by him which implies that the seats are sold out and are no more available. See also col.8, lines 1-7, which suggests that when the products are not available to a subsequent purchaser this system helps him to get those products via buyout provision and if the products are also not available from the buyout provision the subsequent purchaser would be informed of no –availability of that product.

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Regarding claim 24, Walker teaches that when a product is redeemed, privileges are provided a purchaser who agreed to permit product redemption in accordance with pre-established redemption points (see at least col.3, lines 36-54 and col.7, lines 44-67).

Regarding claim 25, Walker teaches that the redemption points dynamically change as time elapses (see at least col.3, line 55-col.4, line 7, "*.....the determination may be "dynamically" performed by the seller device 100. As used herein, the terms "dynamic" and "dynamically" refer to actions that are performed substantially in real-time"*).

Regarding claim 26, Walker teaches that the step of displaying redemption points to a prospective purchase applicant on said one terminal prior to the step of accepting a purchase request of a product (see at least col.3, lines 37-55 which teaches offering and acceptance of redemption conditions by the original purchasers. Since the purchasers are operating from computer terminals, see col.2, line 59-col.3, line 8, display of these terms to the purchasers is inherent on the computer terminals).

Regarding claims 27-31, Walker suggests that the product is a ticket/ an airline ticket/ a movie ticket/ a sports event ticket/ a hotel reservation (see at least col.3, lines 9-16).

Regarding system claims 32-34 and 36-43, their limitations are closely parallel to the method claims 22-31, they are analyzed and rejected on the same basis. Regarding, structure elements, such as a product management system, see Fig.2 the processing module "110", one or more terminals, see Fig.1, the buyer devices "200", which are computers, a product database and a purchaser database, see Fig.2, " Inventory database 500", " Original purchaser database 600", and for management server, communication network-Internet, see col.2, line 59-col.3, line 8.

Regarding system claim 35, see col.3, lines 35-57 and col.7, lines 58-67.

Regarding claims 44-48, their limitations are closely parallel to the method claims 22-31, they are analyzed and rejected on the same basis.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patents 6,067,532 to Gebb (see at least abstract), and 6,308,159 to Strohl (see at least abstract) discloses computer-implemented methods and systems for selling reselling already purchased/sold tickets to earlier buyers to new/subsequent buyers.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

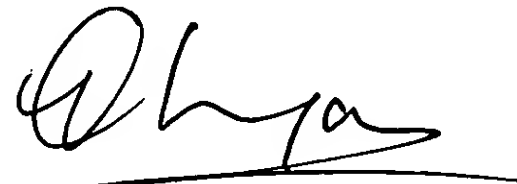
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
March 8, 2005